APR 15 2008 W

PTO/SB/64 (09-06) Approved for use through 03/31/2007. OMB 0651-0031

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT MEANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

A38

First named inventor: Carl A. Waldspurger	
Application No.: 10/750,919	Art Unit: 2185
Filed: 12/31/2003	Examiner: YU, Jae Un
Title: Generating and Using Checkpoints in a Virtual Computer System	
Attention: Office of Petitions	
Mail Stop Petition Commissioner for Patents	
P.O. Box 1450	
Alexandria, VA 22313-1450 FAX (571) 273-8300	
NOTE: If information or assistance is needed in complete Information at (571) 272-3282.	eting this form, please contact Petitions
The above-identified application became abandoned for failure to action by the United States Patent and Trademark Office. The date date of the period set for reply in the office notice or action plus an experience of the period set for reply in the office notice or action plus an experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience of the period set for reply in the office notice or action plus and experience or action plus action plus action plus action pl	of abandonment is the day after the expiration
APPLICANT HEREBY PETITIONS FOR REVIVA	AL OF THIS APPLICATION
NOTE: A grantable petition requires the following items	:
(1) Petition fee;(2) Reply and/or issue fee;	
(3) Terminal disclaimer with disclaimer fee - rec	
filed before June 8, 1995; and for all design (4) Statement that the entire delay was unintent	
1.Petition fee	
Small entity-fee \$ (37 CFR 1.17(m)). Applicant cla	ims small entity status. See 37 CFR 1.27.
Other than small entity – fee \$ 1500.00 (37 CFR 1.17	(m))
2. Reply and/or fee	
A. The reply and/or fee to the above-noted Office action in the form of RCE, referencing previously submitted amendment	ו (identify type of reply):
has been filed previously on is enclosed herewith.	•
B. The issue fee and publication fee (if applicable) of \$	
has been paid previously on is enclosed herewith.	·

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

	stact the traperwork reduction Act of 1995, no persons are required to respond to a collection to	of information unless it displays a valid OMB control number.							
3. Te	minal disclaimer with disclaimer fee								
√	Since this utility/plant application was filed on or after June 8, 19	95, no terminal disclaimer is required.							
	A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see								
	PTO/SB/63).	ne is enclosed herewith (see							
filir Tra ab	STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]								
	WARNING:								
contril number the USPT to the of the of a p refere	coner/applicant is cautioned to avoid submitting personal information in doubute to identity theft. Personal information such as social security numbers (other than a check or credit card authorization form PTO-2038 submit SPTO to support a petition or an application. If this type of personal information, petitioners/applicants should consider redacting such personal information user. Petitioner/applicant is advised that the record of a patent application (unless a non-publication request in compliance with 37 CFR patent. Furthermore, the record from an abandoned application may also enced in a published application or an issued patent (see 37 CFR 1.14). Consubmitted for payment purposes are not retained in the application file and	mbers, bank account numbers, or credit card ted for payment purposes) is never required by nation is included in documents submitted to the tion from the documents before submitting them cation is available to the public after publication 1.213(a) is made in the application) or issuance to be available to the public if the application is hecks and credit card authorization forms PTO-							
	Dan At Som	April 10, 2008							
	Signature	Date							
	·								
	Darryl Smith	37,723							
	Typed or printed name	Registration Number, if applicable							
	3401 Hillview Avenue, Palo Alto, CA 94304	650-427-1049							
	Address	Telephone Number							
	Address								
End	closures: 🗸 Fee Payment								
	Reply								
	Torminal Disalaimer Form	•							
	Terminal Disclaimer Form								
Additional sheets containing statements establishing unintentional delay									
	✓ Other: RCE								
. [CERTIFICATE OF MAILING OR TRANSMISSI	ON [37 CFR 1.8(a)]							
- 1	hereby certify that this correspondence is being:	. "							
ı	Deposited with the United States Postal Service on the date shown below with sufficient								
ı	postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.								
	Transmitted by facsimile on the date shown below to the United States Patent and Trademark								
Office at (571) 273-8300.									
	4/10/2008 / LLSF / CC	var							
	Date 0 / //	Signature							
	Typed or printed i	Terry Alvarez name of person signing certificate							
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PTO/SB/17 (10-07)

Approved for use through 06/30/2010. OMB 0651-0032
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Under the Caperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number									
Effective on 12/08/2004. THERES Dursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).			10101	Complete if Known			own		
			Application Number		10/750,919				
FEE TRANSMITTAL		₹ L	Filing Date		12/31/2003				
For FY 2008			First Named Inventor		Carl A. Waldspurger				
Applicant claims small entity status. See 37 CFR 1.27			7	Examiner Name Y(YU, Jae Un	YU, Jae Un		
				Art Unit 2		2185			
TOTAL AMOUNT OF PAYMENT (\$) 1500.00				Attorney Docket No. A38					
METHOD OF PAYMENT (check all that apply)									
Check Credit Card Money Order Other (please identify):									
Deposit Account Deposit Account Number: Deposit Account Name:									
For the above-identif	fied deposit	account, the Direct	tor is he	reby authorized to	o: (check	all that apply)			
Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee									
Charge any a	dditional fee	(s) or underpayme	nts of fe	e(s) Cred	it any ov	erpayments			
under 37 CFR warning: Information on this	form may be	come public. Credit	t card inf	ormation should r	not be inc	luded on this form.	Provide credit card		
information and authorization FEE CALCULATION	on PTO-2038.	• .		···					
	CU AND	EVARAINI A TIONI	FFF	 -					
1. BASIC FILING, SEAR	FILING F			CH FEES	EXAN	MINATION FEES			
Application Type		mall Entity		Small Entity		Small Entity			
Utility	310	<u>Fee (\$)</u> 155	Fee (\$	1 <u>Fee (\$)</u> 255	<u>Fee</u> 21(Fees Paid (\$)		
Design	210	105	100	50	130				
Plant	210	105	310	155	160	•••			
Reissue	310	155	510	255	620	- 00			
Provisional	210	105	0	0	020				
2. EXCESS CLAIM FEE	S	100	ŭ	v	·	, 0	Small Entity		
Fee Description		-!				Fee (\$)	Fee (\$)		
Each claim over 20 (in Each independent clair			es)			50 210	25 105		
Multiple dependent cl		morading iterssu	.03)			370	185		
Total Claims	Extra Claim	<u>rs Fee (\$)</u>	Fee	Pald (\$)		Multiple D	Pependent Claims		
- 20 or HP = HP = highest number of total	claims paid fo	X	-=			<u>Fee (\$)</u>	Fee Paid (\$)		
Indep. Claims	Extra Claim		Fee	Pald (\$)			· <u></u>		
- 3 or HP = x = HP = highest number of independent claims paid for, if greater than 3.									
3. APPLICATION SIZE F	EE								
If the specification and	drawings e	xceed 100 sheet	s of par	er (excluding o	electron	ically filed seque	ence or computer		
listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)									
100 = / 50 = (round up to a whole number) x =									
4. OTHER FEE(S) Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)									
Other (e.g., late filing	\$1500.00								

SUBMITTED BY Registration No. (Attomey/Agent) 37,723 Signature Telephone 650-427-1049 Date 4/10/2008 Name (Print/Type) Darryl Smitti

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